

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair; Carol Fukunaga, Vice-Chair;
Ikaika Anderson, Michael Formby, Ron Menor, Heidi Tsuneyoshi

Committee Meeting Held
February 28, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Zoning and Housing, to which was referred Bill 94 (2018) entitled:

"A BILL FOR AN ORDINANCE TO AMEND PORTIONS (14.85 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (KAHUKU QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AND A PORTION (0.03 ACRES) FROM THE URBAN DISTRICT TO THE AGRICULTURAL DISTRICT FOR CERTAIN LANDS SITUATED AT BRIGHAM YOUNG UNIVERSITY – HAWAII, LAIE, OAHU, HAWAII"

transmitted by Departmental Communication 783 (2018), dated December 6, 2018, and which passed First Reading at the January 30, 2019 Council meeting, reports as follows:

The purpose of Bill 94 (2018) is to amend a portion of the State Land Use Boundary Map (Kahuku Quadrangle) to reclassify approximately 14.85 acres of land in Laie from the State Land Use Agricultural District to the State Land Use Urban District, and approximately 0.03 acres of land from the State Land Use Urban District to the State Land Use Agricultural District (the "Property"), at the request of Brigham Young University – Hawaii (the "Applicant").

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **MAR 8 2019**

COMMITTEE REPORT NO. **59**

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Your Committee finds that the Planning Commission, after a public hearing held on October 31, 2018, at which three individuals testified in support and no written testimonies were received, voted to recommend approval of the rezoning in concurrence with the recommendation of the Department of Planning and Permitting ("DPP") in the Attachment to Departmental Communication 783 (2018).

Your Committee finds that the State Land Use Law (Chapter 205 of the Hawaii Revised Statutes ["HRS"]) makes the counties responsible for processing amendments to State Land Use District boundaries involving land areas of 15 acres or less and that are in the Urban, Rural, or Agricultural Districts. The State Land Use Commission processes boundary amendments involving: (a) land areas of 15 acres or less in the Conservation District, and (b) land areas greater than 15 acres. See HRS § 205-3.1 and Chapter 26 of the Revised Ordinances of Honolulu 1990 ("ROH").

At your Committee's meeting on February 28, 2019, the Applicant's agent provided a brief presentation of the Property reclassification. The DPP Second Deputy Director testified in support of the State Land Use District boundary amendment. No public oral or written testimony was received.

At your Committee's meeting on February 28, 2019, the Applicant's agent submitted a document to address the recommendation of the State Office of Planning and the DPP that the Applicant conduct a cultural impact assessment that includes a *Ka Paakai* analysis (pursuant to the Hawaii Supreme Court decision in *Ka Paakai O Ka Aina v. Land Use Commission*) to address the impact of the proposed reclassification on valued cultural, historical, or natural resources on the Property.

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Your Committee noted an error in the tax map key ("TMK") references in the text of the Bill. The TMK numbers have been corrected in a CD1 version of the Bill.

Your Committee has prepared a CD1 version of the Bill that makes the following amendments:

- A. Corrects the Tax Map Key references to provide that five areas of land identified as portions of Tax Map Keys 5-5-006: 005 and 5-5-006: 032 are being reclassified from the Agricultural District to the Urban District; and one area of land identified as a portion of Tax Map Key 5-5-006: 005 is being reclassified from the Urban District to the Agricultural District.
- B. Makes miscellaneous technical and non-substantive amendments.

Your Committee finds that the proposal contained in the Bill appears to be consistent with the General Plan and applicable Development Plan of the City and in the best interests of the people of the City and County of Honolulu.

Your Committee plans to consider this matter further following the receipt of public testimony at the public hearing thereon to be held as required by law.

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Your Committee on Zoning and Housing is in accord with the intent and purpose of Bill 94 (2018), as amended herein, and recommends that it pass Second Reading in the form attached hereto as Bill 94 (2018), CD1, be scheduled for public hearing, and thereafter be referred back to Committee. (Ayes: Pine, Formby, Fukunaga, Menor – 4; Ayes with reservations: None; Noes: None; Excused: Anderson, Tsuneyoshi – 2.)

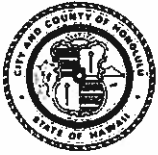
Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **MAR 8 2019**

COMMITTEE REPORT NO. **59**



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **94 (2018), CD1**

A BILL FOR AN ORDINANCE

TO AMEND PORTIONS (14.85 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (KAHUKU QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AND A PORTION (0.03 ACRES) FROM THE URBAN DISTRICT TO THE AGRICULTURAL DISTRICT FOR CERTAIN LANDS SITUATED AT BRIGHAM YOUNG UNIVERSITY – HAWAII, LAIE, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Portions (14.85 acres) of the State Land Use District Boundary Map (Kahuku Quadrangle) are hereby amended by reclassifying certain lands in Laie on the Brigham Young University – Hawaii campus from the Agricultural District to the Urban District, and a portion (0.03 acres) from the Urban District to the Agricultural District, as shown on the map attached hereto, marked "Exhibit A" and by reference made a part hereof. The purpose of this amendment is to place five areas of land (areas identified as portions of Tax Map Keys 5-5-006: 005 and 5-5-006: 032) in the Urban District and one area of land (identified as a portion of Tax Map Key 5-5-006: 005) in the Agricultural District.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 94 (2018), CD1

A BILL FOR AN ORDINANCE

SECTION 2. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

December 17, 2018
Honolulu, Hawaii

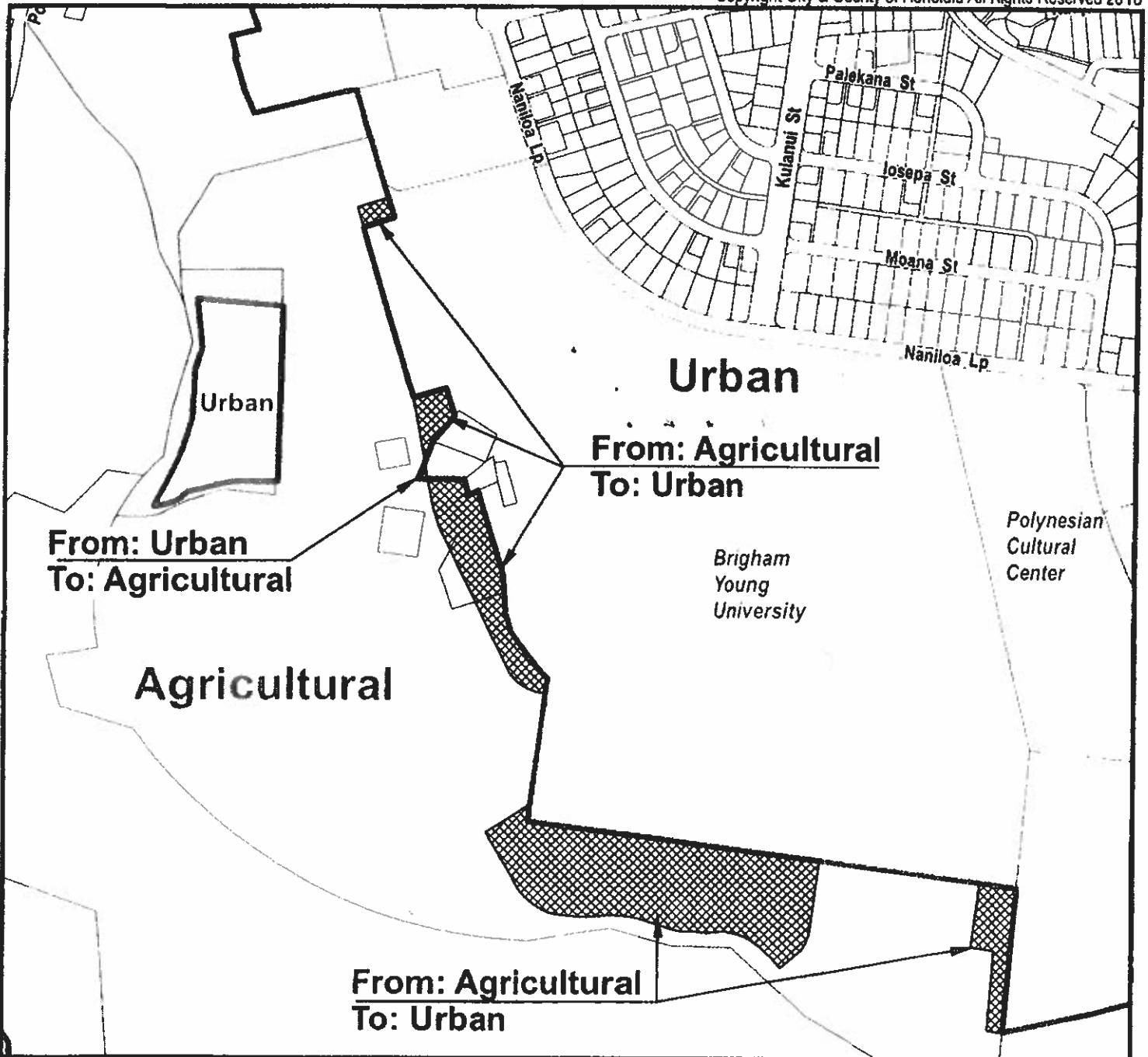
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu



AMENDMENT TO
STATE LAND USE DISTRICT MAP
Kahuku Quadrangle



0 300 600
Scale in Feet



APPLICANT: BRIGHAM YOUNG UNIVERSITY

TAX MAP KEY(S): 5-5-006: POR. 5 & POR. 32

FOLDER NO.: 2018/GEN-8

LAND AREA: APPROXIMATELY 14.85 ACRES

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING

PLANNING COMMISSION

CITY COUNCIL

ORD. NO.

EFF. DATE:

EXHIBIT A

BILL

2018/SLU-1